United Nations S/2009/390

Security Council

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The Security Council,

Recalling its previous resolutions, in particular resolutions 1528 (2004), 1721 (2006), 1739 (2007), 1765 (2007), 1795 (2008), 1826 (2008), 1842 (2008) and 1865 (2009), and the statements of its President relating to the situation in Côte d'Ivoire, and resolution 1836 (2008) on the situation in Liberia,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the Agreement signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007 ("the Ouagadougou Political Agreement", S/2007/144), and that it welcomed the four subsequent Supplementary Agreements,

Recalling in particular that in its resolution 1721 (2006) it notably endorsed the decision of the African Union Peace and Security Council on the mandate of the Head of State, and *recalling further* that in the statement of its President dated 28 March 2007 (S/PRST/2007/8) it endorsed the Ouagadougou Political Agreement, including its Chapter V on the institutional executive framework, and that this Agreement provided for a period of ten months for the holding of the presidential elections,

Expressing again its appreciation to President Blaise Compaoré of Burkina Faso ("the Facilitator") for his continued efforts to support the peace process in Côte d'Ivoire, in particular through the Ouagadougou Political Agreement follow-up mechanisms, *commending and encouraging* the continued efforts of the African Union and the Economic Community of West African States ("ECOWAS") to promote peace and stability in Côte d'Ivoire, and *reiterating* its full support for them,

Stressing again the importance of the international consultative organ participating in the meetings of the evaluation and monitoring committee, as an observer,

Stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

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Reiterating its strong condemnation of any attempt to destabilize the peace process by force, and *expressing its intention* to examine without delay the situation after any such attempt, on the basis of a report by the Secretary-General,

Having taken note of the report of the Secretary-General dated 7 July 2009 (S/2009/344),

Recalling its resolution 1674 (2006) on the protection of civilians in armed conflicts, *noting with concern*, in spite of the sustained improvement of the overall human rights situation, the persistence of reported human rights violations against civilians in different parts of the country, including numerous acts of sexual violence, *stressing* that the perpetrators must be brought to justice, and *reiterating* its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire,

Recalling its resolution 1612 (2005) on children and armed conflict and the subsequent conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of Côte d'Ivoire (S/AC.51/2008/5), and *expressing* its deep concern that children continue to suffer from various forms of violence,

Recalling also its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, *condemning* any sexual violence, stressing again the importance of women's equal participation and full involvement in all efforts for the maintenance of peace and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution, and *encouraging* the Secretary-General to mainstream a gender perspective in the implementation of the mandate of the United Nations Operation in Côte d'Ivoire ("UNOCI"),

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

("*Supporting the Ouagadougou political process*")

1. *Recalls* that in the statement of its President dated 29 May 2009 (S/PRST/2009/16) it welcomed the new electoral timeline endorsed in Ouagadougou by all the main Ivorian political actors and leading to the first round of the presidential elections on 29 November 2009, and *underlines* that the Ivorian political actors are bound to respect this timeline to demonstrate their political commitment towards the holding of free, fair, open and transparent elections;

2. *Reiterates* its determination to bring its full support to a credible electoral process for the presidential and legislative elections in Côte d'Ivoire and *expresses its conviction* that any postponement of the presidential elections of 29 November 2009 would be inconsistent with a credible process and with the Ouagadougou Political Agreement as endorsed by the Security Council;

3. *Welcomes* the successful completion of registration of voters;

4. *Recalls* that it had requested in its resolution 1865 (2009) the President of the Independent Electoral Commission to share publicly the details of the timeframe, and *takes note* of the dates he provided for the five stages leading to the elections of 29 November 2009;

5. *Reiterates* that the publication of the electoral list is a crucial step in the electoral process, *looks forward* to the publication of the provisional voters list before the end of August 2009 and *urges* the Ivorian actors to meet their commitments in full and without delay;

6. *Expresses* its determination to follow closely the publication of the provisional and of the final electoral lists, *encourages* the Facilitator and the Special Representative of the Secretary-General to inform it without delay of any difficulty that may put at risk the electoral time frame, *expresses its intention* to examine any such situation without delay and *requests* the Special Representative of the Secretary-General to certify the voters list explicitly;

7. *Reiterates* that the Special Representative of the Secretary-General shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards and *reaffirms* its full support to the Special Representative of the Secretary-General in his certification role;

8. *Stresses* that it will base its assessment of the electoral process on the certification that will be prepared by the Special Representative consistent with the five-criteria framework referred to in document S/2008/250 and after inclusive contacts with all stakeholders in Côte d'Ivoire, including the civil society;

9. *Stresses the importance* of an inclusive participation of the Ivorian civil society in the electoral process, and of ensuring the equal protection of and respect for human rights of every Ivorian as they relate to the electoral system, and in particular respect for freedom of opinion and expression, and removing obstacles and challenges to women's participation and full involvement in public life;

10. *Urges* the Government of Côte d'Ivoire to provide the operators involved in the electoral process with the necessary support and *encourages* the international community to continue their support to the electoral process, including by providing, with the agreement of the Ivorian authorities, electoral observation capacity and related technical assistance;

11. *Recalls* that it is fully prepared to impose targeted measures pursuant to paragraph 16 of resolution 1842 (2008), including among other things against persons who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire, and *recalls* further that, pursuant to paragraph 6 of the above mentioned resolution, any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the actions of the operators mentioned in paragraphs 1.33 and 2.11 of the Ouagadougou Political Agreement, shall constitute a threat to the peace and national reconciliation process for the purposes of paragraph 9 and 11 of resolution 1572 (2004);

12. *Urges* again the political parties to comply fully with the Code of Good Conduct for elections which they signed under the auspices of the Secretary-General, and in particular *urges* the Ivorian authorities to allow equitable access to public media;

13. *Takes note* again of the ceremony of transfer of authority held in Bouake on 26 of May 2009 as a positive development, *urges* the Ivorian parties to make further progress to advance the reunification and disarmament processes, and

encourages the international donors to continue to provide their support to them, as appropriate;

14. *Calls upon* all concerned parties to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children and that all reported abuses are investigated and those responsible brought to justice;

15. *Calls also upon* all Ivorian parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence, which could include, inter alia, enforcing appropriate military disciplinary measures, upholding the principle of command responsibility, and training troops on the categorical prohibition of all forms of sexual violence;

16. *Recalls* the recommendation by its Working Group on children in armed conflict in Côte d'Ivoire (S/AC.51/2008/5) that a National Action Plan to address sexual violence be adopted, *welcomes* steps taken so far and urges the Government of Côte d'Ivoire, with the support of UNOCI and other relevant actors to finalize and implement it, *welcomes also* the Programme of Action to Combat Sexual Violence in the areas within its control signed by the Forces Nouvelles in January 2009 pursuant to the above-mentioned recommendations as well as the communiqué issued by four militia groups indicating their willingness to combat sexual violence, and *calls upon* all relevant parties, with the continued support of UNOCI to work together to implement their commitments;

17. *Urges* the signatories of the Ouagadougou Political Agreement to take the necessary steps to protect vulnerable civilian populations, including by guaranteeing the voluntary return, reinstallation, reintegration and security of displaced persons, including by addressing land tenure issues, with the support of the United Nations system, and to fulfil in this regard their commitments in accordance with the Ouagadougou Political Agreement and their obligations under international law;

18. *Welcomes* the progress made in the identification process, which is key to the long-term stability of Côte d'Ivoire, and *calls upon* the Ivorian parties to continue the identification operations, including after the elections;

("*Renewing the mandate the United Nations Operation in Côte d'Ivoire*")

19. *Decides* to renew the mandate of UNOCI, as determined in resolution 1739 (2007), until 31 January 2010, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections, within the electoral time frame referred to in paragraph 1 above;

20. *Requests* UNOCI, within its existing resources and mandate, to support actively the parties in the implementation of the remaining tasks under the Ouagadougou Political Agreement and its Supplementary Agreements, in particular those that are essential to the holding of a free, fair, open and transparent presidential election of 29 November 2009, and to continue to support the disarmament, demobilization and reintegration programme and the disarmament and dismantling of militias, and to provide technical and logistical support to the Independent Electoral Commission for the preparation and the holding of the elections in a secure environment;

21. *Requests* the Secretary-General to continue to monitor progress on the achievement of the benchmarks referred to in annex I of his report dated 7 July 2009, *encourages* him to continue to refine and update them and to report to the Security Council, and *expresses its intention* to review these benchmarks in full before 15 October 2009, taking into account in particular the progress of the electoral process;

22. *Reiterates* its full support to the efforts of the Special Representative of the Secretary-General in Côte d'Ivoire, and *requests* UNOCI to continue to actively sensitize the Ivorian population to his certification role;

23. *Commends* the Facilitator for continuing to support the process to settle the crisis in Côte d'Ivoire, and *requests* UNOCI to continue to assist him and his Special Representative in Abidjan in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role according to the provisions of paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third Supplementary Agreement;

24. *Reaffirms* its intention, as expressed in resolution 1836 (2008), to authorize the Secretary-General to redeploy troops, as may be needed, between the United Nations Mission in Liberia (UNMIL) and UNOCI on a temporary basis and in accordance with the provisions of resolution 1609 (2005), as recommended by the Secretary-General in paragraph 25 of his report dated 7 July 2009 (S/2009/344) and *calls on* troop contributing countries to support the efforts of the Secretary-General in that regard;

25. *Underscores* the importance of updating the military concept of operations and rules of engagement before 30 September 2009 and *requests* the Secretary-General to report thereon to the Security Council and troop contributing countries;

26. *Requests* UNOCI to continue to contribute, pursuant to paragraph 2 (k) of its resolution 1739 (2007), to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violence committed against children and women, to monitor and help investigate human rights violations with a view to ending impunity, and to continue to support the efforts all parties should take pursuant to paragraphs 15 and 16 above, and *further requests* the Secretary-General to continue to include in his reports to the Security Council relevant information on progress in this area;

27. *Requests* UNOCI, in this context, to also continue to contribute, pursuant to paragraph 2 (m) of its resolution 1739 (2007), to assist the Government of Côte d'Ivoire in restoring a civilian policing presence throughout Côte d'Ivoire, and to advise the Government of Côte d'Ivoire on the restructuring of the internal security services and in re-establishing the authority of the judiciary and the rule of law throughout Côte d'Ivoire;

28. *Stresses* the need for UNOCI and humanitarian agencies to continue to work closely together, in relation to areas of tensions and of return of displaced persons, to exchange information on possible outbreaks of violence and other threats against civilians in order to respond thereto in a timely and appropriate manner;

29. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in UNOCI with the United Nations zero-

tolerance policy on sexual exploitation and abuses and to keep the Council informed, and *urges* troop-contributing countries to take appropriate preventive action including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

30. *Decides* to extend until 31 January 2010 the authorization it provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities;

31. *Expresses* its intention to review the situation as well as, as appropriate, the mandate of UNOCI, subject to the progress of the electoral process and in particular to the establishment of the voters list, and in any case no later than 15 October 2009, *requests* the Secretary-General to inform it in early September of the publication of the provisional electoral list and *further requests* the Secretary-General to provide to it a mid-term report, by the end of September 2009, of the situation on the ground, including a specific update on the security situation, and of the preparation of the electoral process;

32. *Further requests* the Secretary-General to inform the Security Council in his upcoming reports on the development of his strategic workplan containing indicative timelines to measure and track progress on the implementation of the benchmarks referred to in paragraph 21 above;

33. *Expresses* its intention to review by 31 January 2010 the mandate of UNOCI and the authorization provided to the French forces which support it, the level of troops of UNOCI and the benchmarks referred to in paragraph 21 above, in light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, and *requests* the Secretary-General to provide to it a report to this end three weeks before this date;

34. *Decides* to remain actively seized of the matter.